

Swartz Campbell LLC
300 Delaware Avenue
Suite 1130
P.O. Box 330
Wilmington DE 19899

voice (302) 656-5935
facsimile (302) 656-1434
jgabay@swartzcampbell.com
www.swartzcampbell.com

Joseph A. Gabay
Attorney at Law

August 3, 2005

Dr. Peter T. Daleo
Clerk of the Court
United States District Court
844 N. King Street
Wilmington, DE 19801

Re: United States v. James Friend
CR05-73 JJF

Dear Mr. Daleo:

I have been appointed to represent Mr. Friend in the above-captioned matter. I am writing to request that this case be reassigned from Judge Farnan.

Judge Farnan serves as a Trustee for Wilmington College, where I also serve as General Counsel. As such, I believe this creates a conflict.

Thank you for your attention to this request. Please do not hesitate to contact my office should you have any questions or concerns.

Very truly yours,

/s/ Joseph A. Gabay

Joseph A. Gabay

JAG/td